

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

19-CR-01304 JOB

JESUS ARMANDO MIXTEGA-VILLEGAS,

Defendant.

UNOPPOSED MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT

Marshall J. Ray and Justine Fox-Young hereby move this Court for leave to withdraw as counsel for Mr. Mixtega-Villegas, and as grounds therefore state as follows:

1. The undersigned counsel entered on behalf of Mr. Mixtega-Villegas on August 12, 2019. (No Docket Entry)
2. “The United States District Court for the District of New Mexico requires attorneys representing criminal defendants to ‘comply with the Rules of Professional Conduct adopted by the Supreme Court of the State of New Mexico.’” *United States v. Deleon*, 291 F.Supp.3d 1283, 1311-12 (D.N.M. 2017) (Browning, J.) (citing D.N.M. LR–Cr R. 57.2.)
3. “The Sixth Amendment grants criminal defendants the right to the effective assistance of counsel. One aspect of the effective assistance of counsel is the absence of conflicts of interest.” *Id.* at 1304.
4. “Defense counsel have an ethical obligation to avoid conflicting representations and to advise the court promptly when a conflict of interest arises” *Cuyler v. Sullivan*, 446 U.S. 335, 346 (1980)

5. The undersigned counsel have discovered a conflict of interest that necessitates their withdrawal from representing Mr. Mixtega-Villegas in this case.

6. This conflict was not apparent when counsel began their representation.

7. Mr. Mixtega-Villegas has been consulted and he agrees with this Motion.

8. Assistant United States Attorney Mark Pfizenmayer has been consulted and indicates that the Government does not oppose this motion or the relief requested herein.

9. Upon the withdrawal of undersigned counsel, Mr. Mixtega-Villegas will require appointed counsel pursuant to the Criminal Justice Act.

WHEREFORE, counsel respectfully request that they be permitted to withdraw from this matter and that they be relieved of further responsibility with respect to the representation of Mr. Mixtega-Villegas.

Respectfully Submitted,

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&

JUSTINE FOX-YOUNG, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2020 I filed the foregoing pleading via CM-ECF, causing all registered parties to be served.

/s/ Justine Fox-Young
Justine Fox-Young